

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

JOSE PERAZA, Individually and as Father )  
and Next Friend of the Minor Children, )  
et al., )  
Plaintiffs, )  
v. )  
RJ AUTO MOTORS, INC., et al., )  
Defendants. ) Civil Action No. 1:16-CV-160-C

**ORDER**

Before the Court is a Report and Recommendation from the United States Magistrate Judge recommending that Plaintiffs' complaint be dismissed against all Defendants for failure to effectuate proper service under Federal Rule of Civil Procedure 4(m).<sup>1</sup> Plaintiffs failed to file any objection to the Report and Recommendation and the time to do so has now expired.

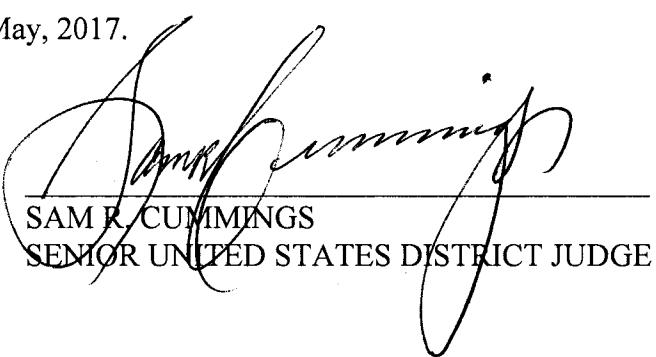
The Court has reviewed the Findings, Conclusions, and Recommendation for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. The above-styled and

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<sup>1</sup>While a Proof of Service and Amended Proof of Service for Defendant RJ Auto Motors, Inc. were filed on January 18 and January 19, 2017, respectively, that service was legally ineffective because it was untimely and the Court had not granted any extension prior to the order of February 6, 2017. *See Fed. R. Civ. P. 4(m).* The Magistrate Judge essentially treated the untimely service as having never occurred and ordered that both Defendants be properly served after February 6 and before March 10, 2017. Plaintiffs failed to comply with that order and have therefore failed to effectuate proper service on either Defendant.

-numbered civil action is **DISMISSED without prejudice** for failure to timely effectuate service on Defendants.

SO ORDERED this 1<sup>st</sup> day of May, 2017.

  
SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE